

## Diane Vallentine

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**From:** Jon Givens [JGivens@bankston.to]  
**Sent:** Wednesday, August 02, 2006 5:46 PM  
**To:** Diane Vallentine  
**Subject:** Extention of Time

Diane

You had inquired on Tuesday about an extention of time of one week on the oppositions, and today informed me of Mr. Heller's family illness and requested a 2 week extention on your oppositions. First, please extend our sympathies to Mr. Heller.

This is your side's second request for an extention. The original extention granted tripled the time allowed for oppositions under the civil rules from 15 to 45 days. This agreement was reached as part of the discovery mediation process with the Master and we gave up receiving certain discovery in return for the package deal which included the agreed deadlines which you now wish to extend. I have not heard any suggestion that your side is willing to provide additional discovery. Thus granting an extention of time without regaining some of the discovery parted with in negotiations would be fundamentally unfair. If you require us to brief these issues before the court we will ask for certain discovery given up at mediation to be ordered. Nonetheless, we would propose the following schedule which would grant an additional extention of time, but still resolve the briefing before the Labor Day weekend. I would also note we have scheduling conflicts in September so we want to conclude briefing by September 1, 2006. Additionally since this would be your second extention of time and an alteration of our written agreement, we want a clear agreement that these deadlines are firm, and neither side will seek further extensions from the court.

Forgive me for shorthanding the motion names, but I think the following should be clear:

The opposition to the piercing motion was due last Monday July 31. The opposition would be due August 7 and the reply August 28.

The opposition to the motion on breach (counts I and II) was due today. The opposition would be due August 8 and the reply August 29.

The oppositions to the antitrust and good faith and fair dealing are due tomorrow. These oppositions would be due August 9 and the replies August 30.

The remaining 4 oppositions which are due Friday, would be due August 11 and the replies September 1, 2006.

The above extentions would grant us each 6 and 7 day extentions depending on the motion. Thus the expert reports and rebuttals would be extended 2 weeks.

The oppositions would all be served electronically and by hand-delivery.

If you elect to file some oppositions jointly, the earlier date would govern.

EXHIBIT A  
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